



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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Seattle, WA 98101-3140

OFFICE OF  
AIR AND WASTE

Mr. John Tippets  
Director  
Idaho Department of Environmental Quality  
1410 North Hilton  
Boise, Idaho 83706

Re: Approval of Idaho Department of Environmental Quality's Request for Updated Delegation of Authority for New Source Performance Standards

Dear Mr. Tippets:

This letter is in response to your June 30, 2017 request to update and continue the delegation of authority to implement and enforce certain New Source Performance Standards, 40 C.F.R. Part 60 (NSPS). After review of your request, the U.S. Environmental Protection Agency hereby grants this updated delegation request, as described below, to the Idaho Department of Environmental Quality.

Delegation Request

You have requested to update delegation of the 40 C.F.R. Parts 60 NSPS that were previously delegated to IDEQ and to obtain delegation of new standards that the EPA has promulgated since your last delegation. Your delegation request was limited to those Part 60 provisions that are delegable.

IDEQ demonstrated that on March 29, 2017, Idaho adopted 40 C.F.R. Part 60 unchanged and as in effect on July 1, 2016 into IDEQ's regulations in IDAPA 58.01.01.107(f).

Delegation of Authority

The EPA has determined that IDEQ's regulations continue to provide adequate and effective procedures for implementing and enforcing the NSPS. Accordingly, the EPA hereby approves your request for an updated delegation of authority to implement and enforce the NSPS identified in Enclosure A, subject to the following terms and conditions:

1. The EPA is delegating the identified federal standards as in effect on July 1, 2016. New NSPS or NSPS that are revised substantively after that date are not delegated to your agency; these remain the responsibility of the EPA.
  - a. Acceptance of this delegation does not commit your agency to request or accept delegation of future NSPS standards and requirements.
  - b. The EPA encourages your agency to update your NSPS delegation on an annual basis. This could coincide with the updating of the adoption by reference of the Federal NSPS standards, which is important for maintaining EPA approval of your Title V Operating Permit Program.

2. The EPA is not delegating authorities under 40 C.F.R. Part 60 that specifically indicate they cannot be delegated, that require rulemaking to implement, that affect the stringency of the standard, or where national oversight is the only way to ensure national consistency.
3. This delegation is subject to all federal laws and regulations as well as EPA policies, guidance, and determinations issued pursuant to 40 C.F.R. Part 60.
4. Implementation and enforcement of the delegated NSPS are subject to the current Compliance Assurance Agreement for Air Quality, signed by both IDEQ and the EPA; except that IDEQ shall provide air stationary source enforcement and compliance data to the EPA via the new Integrated Compliance Information System for Air (ICIS-Air) via the Exchange Network. ICIS-Air has replaced the Air Information and Retrieval System (AIRS) Facility Subsystem (AFS) referred to in the Compliance Assurance Agreement for Air Quality.
5. Enforcement of these delegated NSPS standards in your jurisdiction will be the primary responsibility of your agency. Nevertheless, the EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act with respect to sources which are subject to the NSPS.
6. Your agency and the EPA should communicate sufficiently to ensure that each is fully informed and current regarding interpretation of regulations (including any unique questions about applicability) and the compliance status of subject sources in your jurisdiction.
  - a. Any records or reports provided to or otherwise obtained by your agency should be made available to the EPA upon request.
  - b. In accordance with 40 C.F.R. § 60.9, the availability to the public of information provided to or otherwise obtained by the EPA in connection with this delegation shall be governed by 40 C.F.R. Part 2.
7. Your agency will be the recipient of all notifications and reports and be the point of contact for questions and compliance issues regarding these delegated NSPS standards. The EPA may request notifications and reports from owners and operators/or your agency, if needed.
8. Your agency will work with owners and operators of affected facilities subject to an NSPS Subpart to ensure all required information is submitted to your agency. Your assistance is requested to ensure that this information, including excess emission reports and summaries, is submitted to the EPA upon request, if needed.
9. Your agency will ensure that all relevant source notification and report information is entered into the ICIS-Air database system to meet your recordkeeping/reporting requirements. The ICIS-Air reporting elements for “source information” that your agency is expected to provide include, but are not limited to:
  - a. Identification of source;
  - b. Pollutants regulated;
  - c. Applicability of subparts;
  - d. Permit number for specific source or sub-unit;

- e. Dates of most recent NSPS compliance evaluations (inspections); and
- f. Compliance status.

10. Your agency will require affected facilities to utilize the methods specified in 40 C.F.R. Part 60 in performing source tests pursuant to the regulations. See 40 C.F.R. § 60.8.

11. Changes and alternatives:

a. Except as provided in paragraph 11.b. below, your agency is not delegated authority to approve “major changes to test methods,” “major changes to monitoring,” “major changes to recordkeeping/reporting,” equivalent methods, alternative methods, emerging technologies, equivalent means of emission limitations, petitions for exemptions, time extensions, and actions under 40 C.F.R. Part 60 comparable to the “Category II” authorities identified in 40 C.F.R. § 63.91(g)(2)(ii). Such approvals remain the responsibility of the EPA.

b. Approvals of “minor changes to test methods,” “intermediate changes to test methods,” “minor changes to monitoring,” “intermediate changes to monitoring,” “minor changes to recordkeeping/reporting,” and actions under 40 C.F.R. Part 60 comparable to the “Category I” authorities identified in 40 C.F.R. § 63.91(g)(1)(i) are delegated to your agency.

c. Your agency must maintain a record of all approved alternatives to monitoring, testing, and recordkeeping/reporting requirements and provide this list of alternatives to the EPA semi-annually or more frequently if requested by the EPA. The EPA may audit any approved alternatives and disapprove any that it determines are inappropriate, after discussion with your agency. If changes are disapproved, your agency must notify the owner/operator that it must revert to the original applicable monitoring, testing, recordkeeping, and/or reporting requirements. Also, in cases where the owner/operator does not maintain the conditions which prompted the approval of the alternatives to the monitoring, testing, recordkeeping, and/or reporting requirements, your agency must require the owner/operator to revert to the original monitoring, testing, recordkeeping, and reporting requirements, or more stringent requirements, if justified.

d. For purposes of this paragraph, the terms in quotations have the meaning assigned to them in 40 C.F.R. § 63.90.

12. Your agency’s authority to implement and enforce NSPS under this delegation does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151.<sup>1</sup> Consistent with previous federal program approvals or delegations, the EPA will continue to implement the NSPS in Indian Country in Idaho because your agency did not adequately demonstrate authority over sources and activities located within the exterior boundaries of Indian reservations and in other areas of Indian Country. [ SEQ CHAPTER \h \r 1][ SEQ CHAPTER \h \r 1]

13. The EPA Administrator delegated to the EPA, Region 10 the authority to delegate the NSPS to any state or local agency. A state or local agency that receives delegation from the EPA, Region 10 does not have the federally recognized authority to further delegate the NSPS.

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<sup>1</sup> Under this definition, the EPA treats as reservations trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation.

14. If the EPA determines that your agency's procedures for implementing or enforcing the NSPS are inadequate or are not being effectively carried out, this delegation may be revoked in whole or in part by written notice of the revocation. Any such revocation will be effective as of the date specified in the notice.

Unless we receive negative comments from you within ten days, this delegation is final and will be effective ten days from the date of this letter. Otherwise, no further correspondence to the EPA is needed from IDEQ to make this delegation effective. We will periodically publish a notice in the Federal Register informing the public of IDEQ's updated delegations.

If you have any questions, please contact Madonna Narvaez of my staff at (206) 553-2117 or email at [HYPERLINK "file:///I:/TOSHIBA/CLIP-IT/Delegations/2)%20Idaho/IDEQ/NSPS/2016/narvaez.madonna@epa.gov"].

Sincerely,

Timothy B. Hamlin  
Director

Enclosure

cc: Ms. Tiffany Floyd  
Administrator, IDEQ Air Quality Division

Mr. Carl Brown, Ph.D.  
IDEQ Air Quality Division